

News Update from Nepal 30 January 2007

The condition of national security and human rights in Nepal is fast deteriorating by a high dynamic of conflict in Tarai (southern part of the country) despite the dissolution of the Maoist's People's Courts and People's Governments and the restoration of police posts in most of the places. If this dynamic continues the government's hope to deploy the Armed Police Force by mid-February in all 205 electoral constituencies to create a security environment for the Constituent Assembly (CA) elections by mid-June would not be realized. The UN envoy, Ian Martin, has warned that if the situation in Tarai continues to heat up, it would jeopardize the UN efforts to support the CA elections.

A similar warning came from the Chief Election Commissioner, B. Pokhrel. He said, "The Election Commission (EC) alone cannot hold the CA polls within time if the stakeholders - government, major political parties and people do not help in creating a conducive atmosphere." He was pointing out the problems like updating the voters' lists, non-cooperation of party cadres, security vacuum in rural areas, vacillation of leaders on the single or double ballot papers and the electoral system to follow - Mixed Member Proportional Representation (MMPR) or Parallel System (PS) - to elect 204 representatives in the 425-member CA (205 members will be elected under the first-past-the-post system and 16 would be nominated by the Council of Ministers).

In the MMPR, the total valid vote is divided by 409 seats. Each party's seat scored in the first-past-the-post system will be subtracted from the quotient to arrive at the final number of seats to be allotted to the party in question. In the PS system, 204 seats will be divided among political parties according to the votes received in the elections. At a meeting, CPN-UML, three factions of United People's Front (UPF), Nepal Sadbhavana Party (NSP-A), Rastriya Janashakti Party (RJP) and Rastriya Prajatantra Party (RPP) favored the MMPR electoral system, while Nepali Congress (NC), NC (Democratic), CPN (Maoist) and Nepal Workers and Peasants Party (NeWPP) favored the Parallel System.

Lack of effective implementation of planning, weak administration and ineffectiveness of service delivery by the government indicate the sterility of the governance. As a result, the citizens of remote areas are facing a livelihood crisis.

Human Rights

The UN High Commissioner on Human Rights, Louise Arbour, during her six-day visit in Nepal (January 19-24) stated: "Impunity is a major threat to the human rights protection. The success of Nepal's peace process depends on how well the process incorporates human rights components in the negotiation as well as implementation stage of the peace process." The National Human Rights Commission of Nepal (NHRC) also blamed the state and CPN (Maoist) for a culture of impunity and for failing to provide compensation for conflict victims, an environment for the safe return to their homes and information on the cases of disappearances. Premier G.P. Koirala during his meeting with Arbour, however, reacted:

“We cannot compromise the issue of sovereignty and national independence with human rights and democracy.”

Interim Constitution

On January 15, the Parliament ratified the Interim Constitution (IC) 2007 and the IC converted the bicameral legislature to the unicameral “Interim Legislature-Parliament” (ILP). After Premier Koirala promised to make changes in the provisions of the IC, CPN-UML, NC (D) and NSP withdrew their proposals for revisions while RJP, RPP and UPF did not withdraw. The major revisions suggested are: massive cuts in the prerogatives of the Prime Minister (PM), removal of the PM through a no-confidence motion by two-thirds of the majority, a mandatory provision for the PM to call a special session of the ILP if one-fourth of the members call for it, shift the PM's authority to nominate Judicial Council members to the cabinet, removal of the provision for submitting the Supreme Court's annual report to the PM, a proportional representation system for the CA, delimitation of the constituency on the basis of population, federal state structure, a referendum to decide the fate of monarchy, appointment of the Chief Justice by the Constitutional Council (CC), involvement of only the Premier, Chief Justice and the Speaker in the CC, inclusion of the leader of the main opposition party and a minister nominated by the PM in the CC and deletion of the special treatment to the ruling eight parties (Seven-Party Alliance and CPN-Maoist) as “privileged” parties which mandated for other parties to show at least 10,000 signature of voters to get registered at the EC.

The 330-member ILP expelled all those legislators who were nominated by the King and supported the royal regression. It included: NC 85, CPN-UML 83, CPN (Maoist) 83, NC (Democratic) 48, RPP (including S.B. Thapa) 9, NSP (A) 5, NeWPP 4, UPF (A. Sherchan) 4, UPF (Chitra B. KC) 3, UPF (Pari Thapa) 2, United Left Front (ULF) 3, Nepal Sadbhavana Party (Karna) 1. The ILP elected Subas Nembang as Speaker and Chitra Lekha Yadav as Deputy Speaker. The CPN (Maoist) has been given the post of Deputy Premier as a part of a power-sharing plan. On January 17, Premier Koirala as the head of state administered the oath of office to the Chief Justice although he himself had not taken the oath.

Movement of Subsidiary Identities

Tarai, the economic heartland of Nepal, has recently emerged as a tinder box of violent conflict. Various Tarai-based groups are challenging the IC in favor of a federal state, proportional representation and cultural identity. On January 8, the legislators urged the government to call on two rebel groups of *Tarai Janatantrik Mukti Morcha* (TJMM) headed by ex-Maoists Jwala Singh and Jaya Krishna Goit, for peace talks. The Goit-led TJMM demanding an independent Tarai state, self-rule, investment of locally collected revenue there and appointment of only native Tarai people in the army, police and administration organized a general strike on January 12-14. Maoist leader Pachanda ruled out any dialogue with the TJMM considering that they have “no standing and capacity” of their own but have been “orchestrated by the palace and Hindu fundamentalist groups.” But, he added, “Genuine demands of the Tarai people for a federal republican state must be addressed.” The media speculate that Tarai is witnessing the politics of revenge as cadres of the 8-party had earlier disrupted the activities of Pro-king factions of NSP and RPP (Nepal). On January 29,

the police late at night identified 85 politicians and arrested royal ministers including Kamal Thapa and Badri Mandal for fuelling unrest in Tarai.

On January 16, the *Madhesi People's Rights Forum* (MPJF) demanding proportional elections and a federal democratic republic organized a strike in various parts of the country. The police arrested 28 activists from Kathmandu which sparked protest movements in various towns of Tarai. In a clash in Lahan one protestor was killed by Maoists. The ensuing turmoil forced the government to release all the detainees. The cadres of MPJF, Madhesi Student Front (MSF) and student union affiliated to NSP (A) attacked government offices, demanded strong action against the guilty, an apology from the Premier and Prachanda, the resignation of the Home Minister and a compensation for the victims. In the ensuing clashes with security personnel seven more persons were killed by the police.

The government has formed a high-level probe panel to investigate the killing. This is the second communal riot after Nepalgunj earlier this year which killed one person. The government provided Rs. 1 million as compensation to the victims' families and Premier Koirala called the emergency meeting of the 8-party leaders to address the problem through a dialogue. Despite the president of MPJF Upendra Yadav's welcome to Premier Koirala's call to sit for dialogue to address their demands, the leaders of the MPJF have spread their protest activities in all the major towns of Tarai, broke the idols of King Mahendra, national leaders B.P. Koirala, Ganesh Man Singh and Man Mohan Adhikari and poets Bhanubhakta and Siddi Chran Shrestha, burned the party offices of CPN-UML, CPN (Maoist) and NC in various places, attacked the houses of NC and CPN-UML leaders including the house of CPN-UML leader Madhav Kumar Nepal at Rautahat, and decided to continue its protest program until the government realizes their demands.

The government has imposed a curfew in these places. On January 29, 56 legislators of Tarai including four ministers demanded the fulfillment of the demands of Tarai through the revision of the IC. The same day H. Tripathi, Minister for Trade, Commerce and Supply, resigned from his post in favor of the movement. The leaders of the 8-party alliance have traveled to New Delhi, India, to discuss with their counterparts the reports of the involvement of the Bharatiya Janata Party (BJP) and the World Hindu Federation and ways to resolve the turmoil in Tarai, a region which adjoins three mainly Hindu populated Indian states - Bangal, Bihar and Uttar Pradesh.

Similarly, demanding a separate "Kirant republic" in the eastern part of the country, the Kirant Workers' Party called a general strike which continues to affect the normal life of the people. Fifty-four ethnic groups of the Nepal Federation of Indigenous Nationalities (NEFIN), criticizing the government for not granting them the right to self-rule in the IC, announced a two-week long agitation starting from January 23. Civil society groups blamed the political parties for betraying them. Malla K. Sunder added: "The parties took the 48 seats allocated for civil society members in the interim legislature as a chance to recruit unfit, defeated leaders and family members." Padma R. Tuladher claimed that the "government is being steered by foreign forces" and is not accountable to the people.

Fission and Fusion of Political Parties

The RPP (Nepal) led by Rabindra N. Sharma, the RPP (Nationalist) led by Rajeshwor Devkota and the Nepal Bidwat Parishad led by Jit Bahadur Arjel decided to create a new party with the objective to “make Nepal strong and prosperous, maintain Nepal’s identity as a multi-ethnic, multi-lingual, democratic, independent and sovereign Hindu Kingdom”. The United Left Front got split between C.P. Mainali and Rishi Kattel factions, the UPF suffered a split into three factions. The Co-Chairman of the RJP, Dr. Prakash C. Lohani said: “The 8-party syndicate had begun functioning in the name of *loktantra* (democracy). The PM will become a ceremonial figure once the IC is promulgated. Those parties which are not members of the syndicate are not included in the government. There is no provision of ousting the PM.” The local interim joint governments would be run after reaching a consensus among 8 parties.

CPN (Maoist)

For the interim parliament, out of the total 73 seats allocated for it, the CPN (Maoists) nominated 29 women, 23 Janajati (ethnic group), 20 Madhesi and 11 Dalit. For the ten additional seats it appointed a Buddhist Monk, an ex-army major-general, an intellectual, a journalist, two women, a business man, a Dalit, a Muslim, a Tharu and human rights activist. For the 10 seats in the CPN-UML, it nominated five women and five men from various ethnic groups and regions. Other parties could not provide proportional representation. On foreign policy, CPN (Maoist) leader C.P. Gajurel (January 10) articulated that his party’s foreign policy would be based on the five principles of peaceful coexistence (*Panchsheel*). But, it would adopt the policy of “proletarian internationalism” after the CA election.

Foreign Affairs

India, the US, the EU, Germany and Russia have welcomed the IC and the peace bid. The US stated that it “would back a credible and transparent process of arms management supervised by the UN monitors, before an interim government of Nepal is formed” and urged the Maoists to finally abandon the tactics of violence. On January 19, the American Ambassador to Nepal James F. Moriarty said that the Maoists would remain on the US terrorist list as the situation in the countryside had not improved and the political parties were not allowed to act freely. He added that the USA would not support a UN Trust Fund for Nepal to support a UN mission and withdrew its Rule of Law project. Home Minister K.P. Sitaula refuted the claim made earlier by Ambassador Moriarty about the Maoists trying to buy “cheap weapons” from the Indian state of Bihar to put into the cantonment while retaining the modern weapons they already have. He said: “Moriarty’s remarks might be part of the reaction coming from some diplomats who are surprised at the one-after-another success in the ongoing peace process in the country.”

The UN Secretary-General Ban Ki-Moon’s proposal on Nepal’s peace process at the Security Council seeking to send a small new UN political mission in Nepal to monitor the peace accord and deploy 186 unarmed active and former military officers to monitor the Maoist cantonments and Army barracks as required by the Peace accord received endorsement. The UN mission will establish a UN police advisory team comprising senior police advisors to help ensure the critical security during the voters’ registration, campaigning and polling.

To reinforce the monitoring of the management of arms and armies, electoral assistance and human rights compliance, the mission will have civil affairs components including officers deployed to the regions. An outreach unit will be set up to explain the work and mandate of the mission to the public. The political mission in Nepal, headed by UN Special Envoy Ian Martin, will have a 12-month mandate. Earlier, China had suggested that the duration of the UN Mission in Nepal should be of six months. Maoist supremo Prachanda in his meeting with Ian Martin, said: "We are of the view that since the elections to the CA will be over in six months, there was no need for the UN to be here for a year.

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